

## MEMORANDUM OF NON-DRILLING OIL AND GAS LEASE

West Virginia

The undersigned Bert M. Whorton and Sally A. Whorton, his wife  
 of RD 3 Box 1 Moundsville, West Virginia 26041 as Lessor  
 and TriEnergy Holdings, LLC, P.O. Box 89, Sewickley, PA 15143, as Lessee, entered into an Oil and  
 Gas Lease as of the 12 day of AUGUST, 2010. Said lease covers all that certain tract of land  
 situate in the District of Clay, in Marshall County, State of West Virginia, bounded and  
 described generally as follows:

On the North by: n/f:

On the East by: n/f:

On the South by: n/f:

On the West by: n/f:

Tax Parcel No: 4-3-29 and 4-3B-5

Containing 5.459 acres, more or less, being the same land conveyed by \_\_\_\_\_  
 and recorded in the records of said county in Book 0477, Page 0651.

Under the terms of the aforesaid lease, the said property was leased by Lessor to Lessee for a term of Five (5) years from the date thereof and so long thereafter as oil or gas are produced from said land in paying quantities or the lease is otherwise maintained pursuant to the provisions thereof.

Under the terms of said lease, the Lessee has a first option to renew the lease for a further like term, which option must be exercised within sixty (60) days of the expiration of the initial primary term of said lease.

Dated: AUGUST 12, 2010.

WITNESS:

LESSOR:

B-M. Whorton (SEAL)

Bert M. Whorton

Sally A. Whorton (SEAL)

Sally A. Whorton

Approved by:

Joseph E. Bojalad, President

TriEnergy Holdings, LLC

Jan Pest  
 MARSHALL County 09:38:00 AM  
 Instrument No 1294400  
 Date Recorded 11/05/2010  
 Document Type O&G  
 Pages Recorded 2  
 Book-Page 711-487  
 Recording Fee \$5.00  
 Additional \$6.00

State of WV )  
 County of MARSHALL )

ss:

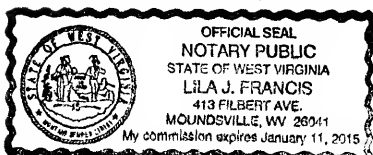
On the 12 day of AUGUST in the year 2010, before me, the undersigned, a  
 Notary Public in and for said state, personally appeared Bert M. Whorton and Sally A. Whorton, his wife

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s)  
 is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
 his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person  
 upon behalf of which the individual(s) acted, executed the instrument

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission Expires: Jan 11 2015

Lila J. Francis  
 Notary Public



## CORPORATION

State/Commonwealth of: PennsylvaniaCounty of: Allegheny ss:

Before me a Notary Public in and for said county and state personally appeared: Joseph E. Bojalad, the President of TriEnergy Holdings, LLC, the above named corporation, who acknowledged to me that they did execute the foregoing instrument for and on behalf of said corporation, pursuant to authority so to do of said corporation and that the same is the free act and deed of said corporation and of themselves as such officers, for the uses and purposes therein set forth.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal at Sewickley, PA this 1<sup>st</sup> day of November, 2010.

My Commission expires: 9/24/2013Debra W. Reid

Notary Public



STATE OF WEST VIRGINIA, MARSHALL COUNTY, SCT.:

I, JAN PEST, Clerk of the County Commission of said County, do hereby certify that the annexed writing, bearing date on the 19th day of August, 2010, was presented for and by me, admitted to record in my office upon the above certificate as to the parties therein named this 5th day of November, 2010 at 9:38 o'clock A.M.

TESTE: Jan Pest Clerk.